{deleted text} shows text that was in HB0065 but was deleted in HB0065S01.

inserted text shows text that was not in HB0065 but was inserted into HB0065S01.

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Representative Rosemary T. Lesser proposes the following substitute bill:

# ACTIVE TRANSPORTATION AND CANAL TRAIL \*AMENDMENTS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: 

Rosemary T. Lesser

Senate Sponsor: \ \text{\text{Wayne A. Harper}}

#### LONG TITLE

#### **{Committee Note:**

The Transportation Interim Committee recommended this bill.

Legislative Vote: 14 voting for 0 voting against 4 absent

#### **General Description:**

This bill clarifies how the Department of Transportation addresses canal corridors in transportation corridor preservation and project prioritization, and canal trails in active transportation planning.

#### **Highlighted Provisions:**

This bill:

requires a canal owner or operator to notify certain entities of the intent to abandon

or transfer title of a canal;

- provides certain entities the right of first refusal to purchase a canal;
- requires the Department of Natural Resources to compile a list of certain canals and provide that list to the Department of Transportation;
  - requires the Department of Transportation to:
    - develop a canal trail toolkit;
    - inventory certain canals in the state;
    - consider creating a canal trail as part of the active transportation plan; and
    - identify certain canal corridors for transportation corridor preservation;
  - enables the Transportation Commission to consider water savings and improvement of canal infrastructure when prioritizing a transportation project; and
  - makes technical changes.

#### Money Appropriated in this Bill:

None

#### **Other Special Clauses:**

None

#### **Utah Code Sections Affected:**

#### AMENDS:

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10-9a-211, as last amended by Laws of Utah 2017, Chapters 410, 428
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17-27a-211, as last amended by Laws of Utah 2017, Chapters 410, 428

**57-13a-101**, as enacted by Laws of Utah 1997, Chapter 175

**57-13a-104**, as last amended by Laws of Utah 2023, Chapter 435

**72-1-304**, as last amended by Laws of Utah 2023, Chapters 22, 88 and 219

**72-2-117.5**, as last amended by Laws of Utah 2019, Chapter 479

72-5-403, as last amended by Laws of Utah 2023, Chapter 39

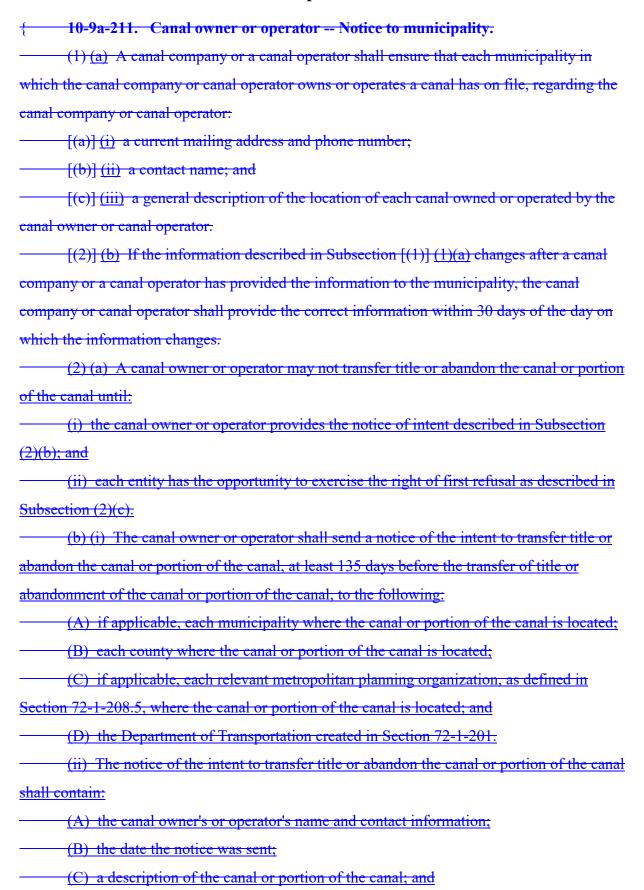
#### **ENACTS**:

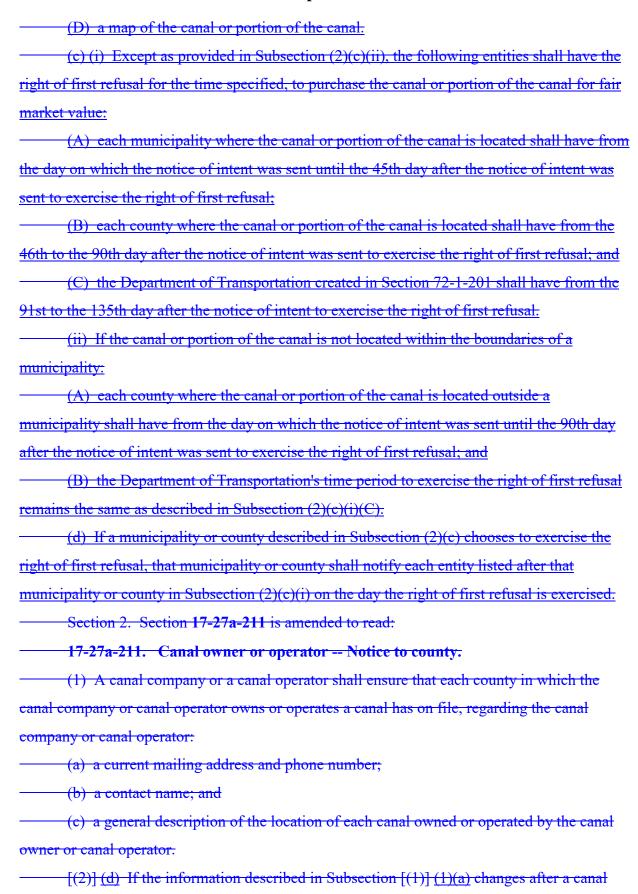
**72-1-218**, Utah Code Annotated 1953

**79-2-409**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:* 

Section 1. Section  $\frac{\{10-9a-21\}}{57-13a-10}$ 1 is amended to read:





company or a canal operator has provided the information to the county, the canal company or canal operator shall provide the correct information within 30 days of the day on which the information changes. (2) (a) A canal owner or operator may not transfer title or abandon the canal or portion of the canal until: (i) the canal owner or operator provides the notice of intent described in Subsection (2)(b); and (ii) each entity has the opportunity to exercise the right of first refusal as described in Subsection (2)(c). (b) (i) The canal owner or operator shall send a notice of the intent to transfer title or abandon the canal or portion of the canal, at least 135 days before the transfer of title or abandonment of the canal or portion of the canal, to the following: (A) if applicable, each municipality where the canal or portion of the canal is located; (B) each county where the canal or portion of the canal is located; (C) if applicable, each relevant metropolitan planning organization, as defined in Section 72-1-208.5, where the canal or portion of the canal is located; and (D) the Department of Transportation created in Section 72-1-201. (ii) The notice of the intent to transfer title or abandon the canal or portion of the canal shall contain: (A) the canal owner's or operator's name and contact information; (B) the date the notice was sent; (C) a description of the canal or portion of the canal; and (D) a map of the canal or portion of the canal. (c) (i) Except as provided in Subsection (2)(c)(ii), the following entities shall have the right of first refusal for the time specified, to purchase the canal or portion of the canal for fair market value: (A) each municipality where the canal or portion of the canal is located shall have from the day on which the notice of intent was sent until the 45th day after the notice of intent was sent to exercise the right of first refusal; (B) each county where the canal or portion of the canal is located shall have from the 46th to the 90th day after the notice of intent was sent to exercise the right of first refusal; and

- (C) the Department of Transportation created in Section 72-1-201 shall have from the 91st to the 135th day after the notice of intent to exercise the right of first refusal.
- (ii) If the canal or portion of the canal is not located within the boundaries of a municipality:
- (A) each county where the canal or portion of the canal is located outside a municipality shall have from the day on which the notice of intent was sent until the 90th day after the notice of intent was sent to exercise the right of first refusal; and
- (B) the Department of Transportation's time period to exercise the right of first refusal remains the same as described in Subsection (2)(c)(i)(C).
- (d) If a municipality or county described in Subsection (2)(c) chooses to exercise the right of first refusal, that municipality or county shall notify each entity listed after that municipality or county in Subsection (2)(c)(i) on the day the right of first refusal is exercised.

  Section 3. Section 57-13a-101 is amended to read:

#### **†** 57-13a-101. Definitions.

As used in this chapter:

- (1) "Department of Transportation" means the Department of Transportation created in Section 72-1-201.
- (2) "Metropolitan planning organization" means the same as that term is defined in Section 72-1-208.5.
- (3) "Water conveyance" means a canal, ditch, pipeline, or other means of conveying water.
- [(2)] (4) "Water user" means a water user or the water user's predecessor whose water being conveyed is represented by a water right recognized under state law or by shares in a mutual irrigation company.

Section  $\frac{4}{2}$ . Section 57-13a-104 is amended to read:

#### 57-13a-104. Abandonment of prescriptive easement for water conveyance.

- (1) A holder of a prescriptive easement for a water conveyance established under Section 57-13a-102 may, in accordance with this section, abandon all or part of the easement.
- (2) (a) A holder of a prescriptive easement for a water conveyance established under Section 57-13a-102 who seeks to abandon the easement or part of the easement shall, in each county where the easement or part of the easement is located, file in the office of the county

recorder a notice of intent to abandon the prescriptive easement that describes the easement or part of the easement to be abandoned.

- (b) A county recorder who receives a notice of intent to abandon a prescriptive easement shall:
- (i) publish copies of the notice for the area generally served by the water conveyance that utilizes the easement, as a class A notice under Section 63G-30-102, for at least 45 days; and
  - (ii) mail a copy of the notice of intent to abandon the prescriptive easement to:
- (A) each [municipal and] county government, municipal government, and, if applicable, metropolitan planning organization where the easement or part of the easement is located [-]; and
  - (B) the Department of Transportation.
- (3) After meeting the requirements of Subsection (2)(a) and at least 45 days after the last day on which the county recorder posts the notice of intent to abandon the prescriptive easement in accordance with Subsection (2)(b), the holder of the prescriptive easement shall file in the office of the county recorder for each county where the easement or part of the easement is located a notice of abandonment that contains the same description required by Subsection (2)(a).
  - (4) (a) Upon completion of the requirements described in Subsection (2):
- (i) all interest to the easement or part of the easement abandoned by the holder of the easement is extinguished; and
- (ii) subject to each legal right that exists as described in Subsection (4)(b), the owner of a servient estate whose land was encumbered by the easement or part of the easement abandoned may reclaim the land area occupied by the former easement or part of the easement and resume full utilization of the land without liability to the former holder of the easement.
- (b) Abandonment of a prescriptive easement under this section does not affect a legal right to have water delivered or discharged through the water conveyance and easement established by a person other than the holder of the easement who abandons an easement as provided in this section.
- (5) A county recorder may bill the holder of the prescriptive easement for the cost of preparing, printing, and publishing the notice required under Subsection (2)(b).

Section  $\frac{5}{3}$ . Section 72-1-218 is enacted to read:

#### 72-1-218. Canal trails.

- (1) As used in this section, "political subdivision" means a municipality, city, town, county, or metro township as defined in Section 10-2a-403.
- (2) The department, in coordination with the Department of Agriculture and Food and the Department of Natural Resources, shall:
- (a) develop a toolkit for a political subdivision to develop and maintain a canal trail, including:
  - (i) sample license agreements;
- (ii) available resources that can assist the political subdivision in funding a canal trail; and
  - (iii) best methods, modes, and practices in developing and maintaining a canal trail;
- (b) make the toolkit described in Subsection (2)(a) publicly available on the department's website;
- (c) receive the list of canals described in Section <del>{79-2-207}</del> <del>79-2-409</del> from the Department of Natural Resources created in Section 79-2-201;</del>
- (d) identify each canal on the list described in Subsection (2)(c) that the department considers to be a high priority corridor as described in Section 72-5-403; and
- (e) create an inventory of each canal the department identifies as a high priority corridor as described in Subsection (2)(d) that includes:
  - (i) the type of land ownership held by each owner of a canal or portion of a canal;
  - (ii) whether an easement exists pertaining to the canal and the type of easement;
  - (iii) feasibility and cost estimates to acquire rights for an active transportation trail;
- ({iii}iv) whether the owner of a canal or owner of a portion of a canal is willing to allow piping of the canal or allow construction of a trail on or along the canal; and
  - $(\{iv\}v)$  the maximum operating flow rate of the canal.
- (3) As the department develops the active transportation plan as required in Subsection 72-2-124(11)(d)(ii), the department shall consider developing a canal trail along or on an existing canal \{\fright\) of way\}right\-of-way.

Section  $\frac{(6)}{4}$ . Section 72-1-304 is amended to read:

72-1-304. Written project prioritization process for new transportation capacity

#### projects -- Rulemaking.

- (1) (a) The Transportation Commission, in consultation with the department and the metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written prioritization process for the prioritization of:
- (i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;
- (ii) paved pedestrian or paved nonmotorized transportation projects described in Section 72-2-124;
- (iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and
- (iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.
- (b) (i) A local government or district may nominate a project for prioritization in accordance with the process established by the commission in rule.
- (ii) If a local government or district nominates a project for prioritization by the commission, the local government or district shall provide data and evidence to show that:
  - (A) the project will advance the purposes and goals described in Section 72-1-211;
- (B) for a public transit project, the local government or district has an ongoing funding source for operations and maintenance of the proposed development; and
- (C) the local government or district will provide the percentage of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).
- (2) The following shall be included in the written prioritization process under Subsection (1):
- (a) a description of how the strategic initiatives of the department adopted under Section 72-1-211 are advanced by the written prioritization process;
- (b) a definition of the type of projects to which the written prioritization process applies;
- (c) specification of a weighted criteria system that is used to rank proposed projects and how it will be used to determine which projects will be prioritized;
  - (d) specification of the data that is necessary to apply the weighted ranking criteria; and
  - (e) any other provisions the commission considers appropriate, which may include

#### consideration of:

- (i) regional and statewide economic development impacts, including improved local access to:
  - (A) employment;
  - (B) educational facilities;
  - (C) recreation;
  - (D) commerce; and
- (E) residential areas, including moderate income housing as demonstrated in the local government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;
- (ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and
- (iii) any matching funds provided by a political subdivision or public transit district in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).
- (3) (a) When prioritizing a public transit project that increases capacity, the commission:
- (i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and
- (ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- (b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:
  - (i) part of a transportation reinvestment zone created under Section 11-13-227 if:
  - (A) the state is a participant in the transportation reinvestment zone; or
- (B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or
- (ii) within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- (c) If the department receives a notice of prioritization for a municipality as described in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection

17-27a-408(5), the commission may give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that the municipality or county no longer qualifies for prioritization under this Subsection (3)(c).

- (d) When prioritizing funding from the Active Transportation Investment Fund created under Subsection 72-2-124(11):
- (i) the department shall provide the commission with information on a project's potential to save water or improve canal infrastructure; and
- (ii) the commission may consider the information the department provides the commission on a project's potential to save water or improve canal infrastructure.
  - (4) In developing the written prioritization process, the commission:
- (a) shall seek and consider public comment by holding public meetings at locations throughout the state; and
- (b) may not consider local matching dollars as provided under Section 72-2-123 unless the state provides an equal opportunity to raise local matching dollars for state highway improvements within each county.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Transportation Commission, in consultation with the department, shall make rules establishing the written prioritization process under Subsection (1).
- (6) The commission shall submit the proposed rules under this section to a committee or task force designated by the Legislative Management Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules described in Subsection (5).

#### Section 5. Section **72-2-117.5** is amended to read:

# 72-2-117.5. Definitions -- Local Highway and Transportation Corridor Preservation Fund -- Disposition of fund money.

- (1) As used in this section:
- (a) "Council of governments" means a decision-making body in each county composed of membership including the county governing body and the mayors of each municipality in the county.

- (b) "Metropolitan planning organization" has the same meaning as defined in Section 72-1-208.5.
- (2) There is created the Local Highway and Transportation Corridor Preservation Fund within the Transportation Fund.
  - (3) The fund shall be funded from the following sources:
- (a) a local option highway construction and transportation corridor preservation fee imposed under Section 41-1a-1222;
  - (b) appropriations made to the fund by the Legislature;
  - (c) contributions from other public and private sources for deposit into the fund;
  - (d) all money collected from rents and sales of real property acquired with fund money;
- (e) proceeds from general obligation bonds, revenue bonds, or other obligations issued as authorized by Title 63B, Bonds; and
- (f) sales and use tax revenues deposited into the fund in accordance with Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act.
  - (4) (a) The fund shall earn interest.
  - (b) All interest earned on fund money shall be deposited into the fund.
  - (c) The State Tax Commission shall allocate the revenues:
- (i) provided under Subsection (3)(a) to each county imposing a local option highway construction and transportation corridor preservation fee under Section 41-1a-1222;
- (ii) provided under Subsection 59-12-2217(2) to each county imposing a county option sales and use tax for transportation; and
- (iii) provided under Subsection (3)(f) to each county of the second class or city or town within a county of the second class that imposes the sales and use tax authorized by Section 59-12-2218.
- (d) The department shall distribute the funds allocated to each county, city, or town under Subsection (4)(c) to each county, city, or town.
  - (e) The money allocated and distributed under this Subsection (4):
  - (i) shall be used for the purposes provided in this section for each county, city, or town;
- (ii) is allocated to each county, city, or town as provided in this section with the condition that the state will not be charged for any asset purchased with the money allocated and distributed under this Subsection (4), unless there is a written agreement in place with the

department prior to the purchase of the asset stipulating a reimbursement by the state to the county, city, or town of no more than the original purchase price paid by the county, city, or town; and

- (iii) is considered a local matching contribution for the purposes described under Section 72-2-123 if used on a state highway.
- (f) Administrative costs of the department to implement this section shall be paid from the fund.
- (5) (a) A highway authority may acquire real property or any interests in real property for state, county, and municipal highway [or] corridors, public transit corridors, or active transportation corridors, subject to:
  - (i) money available in the fund to each county under Subsection (4); and
  - (ii) the provisions of this section.
- (b) Fund money may be used to pay interest on debts incurred in accordance with this section.
- (c) (i) (A) Fund money may be used to pay maintenance costs of properties acquired under this section but limited to a total of 5% of the purchase price of the property.
- (B) Any additional maintenance cost shall be paid from funds other than under this section.
- (C) Revenue generated by any property acquired under this section is excluded from the limitations under this Subsection (5)(c)(i).
- (ii) Fund money may be used to pay direct costs of acquisition of properties acquired under this section.
- (d) Fund money allocated and distributed under Subsection (4) may be used by a county highway authority for countywide transportation or public transit planning if:
- (i) the county's planning focus area is outside the boundaries of a metropolitan planning organization;
- (ii) the transportation planning is part of the county's continuing, cooperative, and comprehensive process for transportation or public transit planning, corridor preservation, right-of-way acquisition, and project programming;
- (iii) no more than four years allocation every 20 years to each county is used for transportation planning under this Subsection (5)(d); and

- (iv) the county otherwise qualifies to use the fund money as provided under this section.
- (e) (i) Subject to Subsection (11), fund money allocated and distributed under Subsection (4) may be used by a county highway authority for transportation or public transit corridor planning that is part of the corridor elements of an ongoing work program of transportation or public transit projects.
- (ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the direction of:
- (A) the metropolitan planning organization if the county is within the boundaries of a metropolitan planning organization; or
- (B) the department if the county is not within the boundaries of a metropolitan planning organization.
- (f) (i) A county, city, or town that imposes a local option highway construction and transportation corridor preservation fee under Section 41-1a-1222 may elect to administer the funds allocated and distributed to that county, city, or town under Subsection (4) as a revolving loan fund.
- (ii) If a county, city, or town elects to administer the funds allocated and distributed to that county, city, or town under Subsection (4) as a revolving loan fund, a local highway authority shall repay the fund money authorized for the project to the fund.
- (iii) A county, city, or town that elects to administer the funds allocated and distributed to that county, city, or town under Subsection (4) as a revolving loan fund shall establish repayment conditions of the money to the fund from the specified project funds.
- (g) (i) Subject to the restrictions in Subsections (5)(g)(ii) and (iii), fund money may be used by a county of the third, fourth, fifth, or sixth class or by a city or town within a county of the third, fourth, fifth, or sixth class for:
  - (A) the construction, operation, or maintenance of a class B road or class C road; or
- (B) the restoration or repair of survey monuments associated with transportation infrastructure.
- (ii) A county, city, or town may not use more than 50% of the current balance of fund money allocated to the county, city, or town for the purposes described in Subsection (5)(g)(i).
  - (iii) A county, city, or town may not use more than 50% of the fund revenue collections

allocated to a county, city, or town in the current fiscal year for the purposes described in Subsection (5)(g)(i).

- (6) (a) (i) The Local Highway and Transportation Corridor Preservation Fund shall be used to preserve highway and public transit corridors, promote long-term statewide transportation planning, save on acquisition costs, and promote the best interests of the state in a manner which minimizes impact on prime agricultural land.
- (ii) The Local Highway and Transportation Corridor Preservation Fund shall only be used to preserve a highway [or] corridor, a public transit corridor, or an active transportation corridor, that is right-of-way:
  - (A) in a county of the first or second class for:
  - (I) a state highway;
  - (II) a principal arterial highway as defined in Section 72-4-102.5;
  - (III) a minor arterial highway as defined in Section 72-4-102.5;
  - (IV) a collector highway in an urban area as defined in Section 72-4-102.5; [or]
  - (V) a transit facility as defined in Section 17B-2a-802; or
  - (VI) a facility for active transportation as described in Subsection 72-2-124(11); or
  - (B) in a county of the third, fourth, fifth, or sixth class for:
  - (I) a state highway;
  - (II) a principal arterial highway as defined in Section 72-4-102.5;
  - (III) a minor arterial highway as defined in Section 72-4-102.5;
  - (IV) a major collector highway as defined in Section 72-4-102.5;
  - (V) a minor collector road as defined in Section 72-4-102.5; or
  - (VI) a transit facility as defined in Section 17B-2a-802.
- (iii) The Local Highway and Transportation Corridor Preservation Fund may not be used for a highway corridor that is primarily a recreational trail as defined under Section 79-5-102.
- (b) A highway authority shall authorize the expenditure of fund money after determining that the expenditure is being made in accordance with this section from applications that are:
  - (i) endorsed by the council of governments; and
  - (ii) for a right-of-way purchase for a highway or public transit corridor authorized

under Subsection (6)(a)(ii).

- (7) (a) (i) A council of governments shall establish a council of governments endorsement process which includes prioritization and application procedures for use of the money allocated to each county under this section.
- (ii) The endorsement process under Subsection (7)(a)(i) may include review or endorsement of the preservation project by:
- (A) the metropolitan planning organization if the county is within the boundaries of a metropolitan planning organization; or
- (B) the department if the county is not within the boundaries of a metropolitan planning organization.
- (b) All fund money shall be prioritized by each highway authority and council of governments based on considerations, including:
  - (i) areas with rapidly expanding population;
- (ii) the willingness of local governments to complete studies and impact statements that meet department standards;
  - (iii) the preservation of corridors by the use of local planning and zoning processes;
  - (iv) the availability of other public and private matching funds for a project;
  - (v) the cost-effectiveness of the preservation projects;
  - (vi) long and short-term maintenance costs for property acquired; and
  - (vii) whether the transportation or public transit corridor is included as part of:
  - (A) the county and municipal master plan; and
  - (B) (I) the statewide long range plan; or
- (II) the regional transportation plan of the area metropolitan planning organization if one exists for the area.
  - (c) The council of governments shall:
- (i) establish a priority list of highway and public transit corridor preservation projects within the county;
- (ii) submit the list described in Subsection (7)(c)(i) to the county's legislative body for approval; and
- (iii) obtain approval of the list described in Subsection (7)(c)(i) from a majority of the members of the county legislative body.

- (d) A county's council of governments may only submit one priority list described in Subsection (7)(c)(i) per calendar year.
- (e) A county legislative body may only consider and approve one priority list described in Subsection (7)(c)(i) per calendar year.
- (8) (a) Unless otherwise provided by written agreement with another highway authority or public transit district, the highway authority that holds the deed to the property is responsible for maintenance of the property.
- (b) The transfer of ownership for property acquired under this section from one highway authority to another shall include a recorded deed for the property and a written agreement between the highway authorities or public transit district.
- (9) (a) The proceeds from any bonds or other obligations secured by revenues of the Local Highway and Transportation Corridor Preservation Fund shall be used for the purposes authorized for funds under this section.
- (b) The highway authority shall pledge the necessary part of the revenues of the Local Highway and Transportation Corridor Preservation Fund to the payment of principal and interest on the bonds or other obligations.
- (10) (a) A highway authority may not expend money under this section to purchase a right-of-way for a state highway unless the highway authority has:
- (i) a transportation corridor property acquisition policy or ordinance in effect that meets department requirements for the acquisition of real property or any interests in real property under this section; and
- (ii) an access management policy or ordinance in effect that meets the requirements under Subsection 72-2-117(8).
- (b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a written agreement with the department for the department to acquire real property or any interests in real property on behalf of the local highway authority under this section.
- (11) The county shall ensure, to the extent possible, that the fund money allocated and distributed to a city or town in accordance with Subsection (4) is expended:
- (a) to fund a project or service as allowed by this section within the city or town to which the fund money is allocated;
  - (b) to pay debt service, principal, or interest on a bond or other obligation as allowed

by this section if that bond or other obligation is:

- (i) secured by money allocated to the city or town; and
- (ii) issued to finance a project or service as allowed by this section within the city or town to which the fund money is allocated;
- (c) to fund transportation planning as allowed by this section within the city or town to which the fund money is allocated; or
- (d) for another purpose allowed by this section within the city or town to which the fund money is allocated.
- (12) Notwithstanding any other provision in this section, any amounts within the fund allocated to a public transit district or for a public transit corridor may only be derived from the portion of the fund that does not include constitutionally restricted sources related to the operation of a motor vehicle on a public highway or proceeds from an excise tax on liquid motor fuel to propel a motor vehicle.

Section  $\{7\}_{6}$ . Section 72-5-403 is amended to read:

#### 72-5-403. Transportation corridor preservation powers.

- (1) The department, counties, and municipalities may:
- (a) act in cooperation with one another and other government entities to promote planning for and enhance the preservation of transportation corridors and to more effectively use the money available in the Marda Dillree Corridor Preservation Fund created in Section 72-2-117;
  - (b) undertake transportation corridor planning, review, and preservation processes; and
- (c) acquire fee simple rights and other rights of less than fee simple, including easement and development rights, or the rights to limit development, including rights in alternative transportation corridors, and to make these acquisitions up to a projected 40 years in advance of using those rights in actual transportation facility construction.
- (2) In addition to the powers described under Subsection (1), counties and municipalities may:
- (a) limit development for transportation corridor preservation by land use regulation and by official maps; and
- (b) by ordinance prescribe procedures for approving limited development in transportation corridors until the time transportation facility construction begins.

- (3) (a) (i) The department shall identify and the commission shall approve transportation corridors as high priority transportation corridors for transportation corridor preservation.
- (ii) As part of the identification process described in Subsection (3)(a)(i), the department shall identify statewide and regional canal corridors as high priority transportation corridors for transportation corridor preservation.
- (b) The department shall notify a county or municipality if the county or municipality has land within its boundaries that is located within the boundaries of a high priority transportation corridor.
- (c) The department may, on a voluntary basis, acquire private property rights within the boundaries of a high priority transportation corridor for which a notification has been received in accordance with Section 10-9a-206 or 17-27a-206.

Section  $\frac{8}{7}$ . Section **79-2-409** is enacted to read:

79-2-409. Canal list and map.

The department shall:

- (1) compile a list and map of the canals in the state that have a {maximum operating }flow rate {of 20}40 cubic feet per second or {more} greater when operating at maximum capacity; and
- (2) send the list and map to the Department of Transportation created in Section 72-1-201 before October 31, 2024.

Section \( \frac{49}{8} \). Effective date.

This bill takes effect on May 1, 2024.